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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/229,589	01/13/1999	LEONID A YEGOSHIN	P3356	5733

24739 7590 02/25/2002

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 02/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/229,589

Applicant(s)

YEGOSHIN, LEONID A

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

The request filed on for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/229,589 is acceptable and a RCE has been established. An action on the RCE follows.

This communication is in response to applicant's 10/24/2001 amendment in the application of YEGOSHIN for "**METHOD AND APPARATUS FOR CREATING AND DISTRIBUTING COST TELEPHONY-SWITCHING FUNCTIONALITY WITHIN AN IP NETWORK**" filed 01/13/1999. The amendments to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-17 are now pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3- 7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guy et al. (US 5,940,479).

Regarding claims 1, 3-5, 7, 9-11, 13-15, and 17, Guy et al. disclose a system and method for transmitting packet across a wide area network (WAN) from a local phone coupled to a computer e.g., PC-phone. The system comprises of:

- at least two PC-phones 103/105 and 143/145 (*Internet capable call appliances*) located in different location,

- a first router 114 coupled to the PC-phone 103/105,

- a second router 132 coupled to the PC-phone 143/145, and

- a WAN network (Internet or ATM or frame relay) for connecting between the two routers.

The calls setup between the call appliance 103/105 and the router 114 (*end node leg*), and the call setup between the router 114 and 132 through the Internet 104 (*intermediate legs*), the call setup between the router 132 and the called appliance 143/145 (*end node leg*) and are separate and distinct (**see figs. 1, 5; and col. 4 line 54 to col. 6 line 35**).

Regarding claims 6 and 12, Guy et al. disclose a LAN network 116, connecting end appliances at one or more the routers, and wherein end-node leg are established via LAN to appliances on the LAN (**see fig. 1**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. in view of Andrews et al. (US 5,848,143).

Claims 2, 8, and 16, Guy et al. fail to disclose the call appliances include Interactive Voice Response (IVR) units. Andrew et al., on the other hand, teach IVR units are included in agent systems of a communication system that provides telephony communication between agents and a plurality of callers (**see figs. 8-10**). Therefore, it would have been obvious to one having ordinary skilled in the art at the time of invention was made to include the IVRs of Andrews et al., in the system taught by Guy et al. for improving requested information to the caller 24 hours a day without human assistant -thus enhancing customer service while reducing costs.

Response to Arguments

Applicant's arguments filed 10/24/2001 have been fully considered but they are not persuasive.

In page 7, the Applicant argued that the call appliances and routers 103/105, and 143/145 of Guy do not communicate with each other.

In response to the argument, figure 1 shows call appliance 103/105 (calling units) connected to router 114 communicate with call appliance 145/145 connected to

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router 132 via interface 123 –thus there are communicate with each other (col. 5 lines 60-65). Also, the call appliance 145/105 have ability to communicate with a destination phone 142 connected to the PSTN 140.

In page 8, the Applicant argued that [T]he Examiner is assuming that because there appears to be a connection in Fig. 1 of Guy between PC phone 103/105 in local configuration 102A to PC phone 145/143 in local configuration 102B that the units are communicating with each other wherein one PC phone is the originator of the call and the other PC phone is the end destination.

In response to the argument, Guy disclose the second local configuration 102B includes a network interface 123 that communicates through the LAN 134 to the router 132. A PC-phone system 143/145 is also coupled to the LAN 134 (see col. 5 lines 60-65 and figure 1). In col. 6 lines 9-35, Guy disclose the steps for communication between the PC phone 103/105 and the destination phone 142 connected to the PSTN 140 as an example.

In page 9 the Applicant argued that Guy fails to provide any teaching or suggestion of manipulating established call legs.

In response to the argument, LANs use either an Ethernet or a token ring network protocol, and WAN network (connecting two routers 114, and 132) uses either frame relay, or ATM, or Internet protocol (see col. 4 lines 54-64) –thus setting up communication channel between the calling appliance 103/105 and router 114, and between routers 114, and 132 are separate and distinct.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

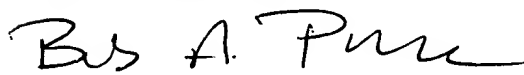
Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Any inquire of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 306-0377**.

Bob A. Phunkulh



February 21, 2002
T.C. 2600
Art Unit 2661

David Vincent
DAVID VINCENT
PRIMARY EXAMINER